

Law changed to execute MTC convict in Ramazan

By H. A. Hamied

KARACHI, Jan 1: The military court convict was executed in Karachi Central Prison on Thursday morning after amendments were made by the governor of Sindh in the Pakistan Prisons Rules, allowing the prison authorities to carry out an execution during Ramazan.

The man, Ashraf Chakar Irani alias Wahid, aged about 30, son of Chakar, had been sentenced to death for having killed a police constable, Mohammad Siddique, in an encounter in Chakiwara on May 13.

According to clause 2 (i) of the Prison Rules, executions shall not take place on Fridays, gazetted holidays, the day following Friday and holidays and in the month of Ramazan.

Suleman Habibullah, a city lawyer, said Ashraf Chakar was executed after hurried amendments were made in the rules which had been in force for several decades. The notification of amendment was made a day before the execution under which Clause 2 Rule 361 has been omitted.

Whether the amendment will be permanent or the rules will be further amended back to their old form depends on the convenience of future governments, Mr Habibullah said.

The amendment was enforced with immediate effect by the order of the governor.

The lawyer said Rule 105, too, had been amended, and the proviso is as under:

“Provided that in the case (s)

tried by the military court convened under the Pakistan Armed Forces (Acting in Aid of Civil Power), Ordinance, 1998, the inspector general of prisons, or the superintendent of jail on receipt of the final orders of the government to carry out the execution, shall fix a date for the execution of the sentence of death, not more than five years later than the date on which such orders reach him from the court of appeals.”

Legal circles were of the view that the amendments had been made and death sentences were being carried out for the simple reason that the convicted person could not reach the high courts for challenging the order of the military court of appeal.

Previously, the high courts and the Supreme Court had stayed the orders of the military courts, or martial law courts, these experts said and added that these amendments were against human rights and fundamental rights of the citizens.

Ashraf Chakar was convicted and sentenced to death by a military court in Karachi on Dec 17. His accomplices Usman Ghani and Abdul Jalil were sentenced to 10 and 14 years in prison, respectively.

Ashraf was found guilty on both counts of terrorist activities and murdering a policeman.

The military court of appeals sitting in Karachi had dismissed the appeal of the three convicts but reduced jail sentence to 10 years RI.